

REED SMITH LLP

A limited liability partnership formed in the State of Delaware

James M. Wood (SBN 58679)
Kenneth J. Philpot (SBN 62401)
Michael F. McCabe (SBN 111151)
Kurtis J. Kearl (SBN 114977)
Jayne E. Fleming (SBN 209026)
REED SMITH LLP
1999 Harrison Street, Suite 2400
Oakland, CA 94612-3572

Mailing Address:

P.O. Box 2084
Oakland, CA 94604-2084

Telephone: 510.763.2000
Facsimile: 510.273.8832

Arlene Mayerson (SBN 79310)
Larisa Cummings (SBN 131076)
DISABILITY RIGHTS EDUCATION AND DEFENSE FUND, INC.
2212 Sixth Street
Berkeley, CA 94710
Telephone: 510.644.2555
Facsimile: 510.841.8645
lcummings@dredf.org

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

K.C., by and through Erica C., her guardian, et al.,

Plaintiffs,

vs.

JACK O'CONNELL, in his official capacity as Superintendent of Public Schools For the State of California, et al.,

Defendants.

Case No. C-05-4077 MMC

**STIPULATION VACATING AND
CONTINUING CASE MANAGEMENT
CONFERENCE AND HEARING DATE**

Honorable Maxine M. Chesney

1 WHEREAS the parties in this action ("Action") have and continue to participate in
 2 voluntary mediation in a good faith effort to achieve an informal resolution of the Action with the
 3 Honorable Coleman Fannin (retired) serving as the mediator; and

4 WHEREAS Defendants have requested that the case management conference set to March 3,
 5 2006 , be continued for 30 days by stipulation to April 7, 2006, as well as the initial disclosures
 6 required by the order of this court be vacated so that Defendants can continue to negotiate a
 7 resolution of this matter without the need for a hearing; and

8 WHEREAS Defendants have requested that the hearing of Plaintiffs' motion for preliminary
 9 injunction, originally noticed for December 9, 2005 and continued by stipulation first to January 27,
 10 2006, then to March 3, 2006, be vacated so that Defendants will not be placed in the position of
 11 having to prepare and file opposition papers before the mediation or, in the event the mediation is
 12 unsuccessful, to accommodate previously scheduled vacations of Defendants' counsel; and

13 WHEREAS Plaintiffs have consented to Defendants' request in the interest of maximizing
 14 the possibility of an informal settlement of this dispute with the assistance of Judge Coleman Fannin
 15 and as a professional courtesy to Defendants' counsel:

16 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the
 17 parties to this action, by and through their respective undersigned counsel, as follows:

- 18 1. Defendants hereby agree that they will not assert the delay of the hearing
 19 pursuant hereto in any way as a ground for opposition to Plaintiffs' motion for
 20 preliminary injunction.
- 21 2. The hearing on plaintiffs' Motion for Preliminary Injunction currently set for
 22 March 3, 2006, may be VACATED and a new hearing date may be set for
 23 Friday, April 7, 2006 or as soon thereafter as the matter can be heard.
- 24 3. The court's order of January 9, 2006 , be amended to provide that the case
 25 management conference be continued to March 7, 2006

1
2 DATED: February 15, 2006

3 REED SMITH LLP

4
5 By  _____
6 James M. Wood
7 Attorneys for Plaintiffs

8 and

9 DISABILITY RIGHTS EDUCATION AND
10 DEFENSE FUND, INC.
11 Arlene Mayerson
12 Larisa Cummings
13 Attorneys for Plaintiffs

14 DATED: November 21, 2005

15 CALIFORNIA STATE DEPARTMENT OF
16 EDUCATION

17 By _____ /s/
18 Allan H. Keown
19 Gabriel C. Vivas
20 Marsha A. Bedwell
21 Michael E. Hersher
22 Defendants Jack O'Connell and California
23 Department of Education, the Board of Education,
24 and its members

25 DATED: November 21, 2005

26 EDRINGTON, SHIRMER & MURPHY

27 By _____ /s/
28 Peter P. Edrington
James Marzan
Attorneys for Defendants Douglas Gephart,
Fremont Unified School District, Board of Trustees
for the Fremont Unified School District and its
members

REED SMITH LLP
A limited liability partnership in the State of Delaware

1
2 DATED: November 21, 2005

3 REED SMITH LLP

4 By /s/
5 James M. Wood
6 Attorneys for Plaintiffs

7 and

8 DISABILITY RIGHTS EDUCATION AND
9 DEFENSE FUND, INC.
10 Arlene Mayerson
11 Larisa Cummings
12 Attorneys for Plaintiffs

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
DATED: ~~November 21, 2005~~ February 14, 2006

CALIFORNIA STATE DEPARTMENT OF
EDUCATION

By [Signature]
Allan H. Keown
Gabriel C. Vivas
Marsha A. Bedwell
Michael E. Hersher
Defendants Jack O'Connell and California
Department of Education, the Board of Education,
and its members

DATED: November 21, 2005

EDRINGTON, STIRMER & MURPHY

By /s/
Peter P. Edrington
James Marzan
Attorneys for Defendants Douglas Gephart,
Fremont Unified School District, Board of Trustees
for the Fremont Unified School District and its
members

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

1
2 DATED: November 21, 2005

3 REED SMITH LLP

4
5 By _____ /s/
6 James M. Wood
7 Attorneys for Plaintiffs

8 and

9 DISABILITY RIGHTS EDUCATION AND
10 DEFENSE FUND, INC.
11 Arlene Mayerson
12 Larisa Cummings
13 Attorneys for Plaintiffs


14
15 DATED: November 21, 2005

16 CALIFORNIA STATE DEPARTMENT OF
17 EDUCATION

18 By _____ /s/
19 Allan H. Keown
20 Gabriel C. Vivas
21 Marsha A. Bedwell
22 Michael E. Hersher
23 Defendants Jack O'Connell and California
24 Department of Education, the Board of Education,
25 and its members

26
27 February 15, 2006
28 DATED: November 21, 2005

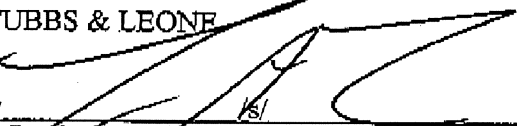
EDRINGTON, SHIRMER & MURPHY

By  _____ /s/
Peter P. Edrington
James Marzan
Attorneys for Defendants Douglas Gephart,
Fremont Unified School District, Board of Trustees
for the Fremont Unified School District and its
members

February 13, 2006.
DATED: November 21, 2005

STUBBS & LEONE

By


Louis A. Leone, Esq.

Attorneys for Defendants San Ramon Valley
Unified School District and Robert Kessler, Board
of Trustees of San Ramon Valley Unified School
District and its members

Concurrence in the filing of this document has been obtained from each signatory.

ORDER

Pursuant to Stipulation of the parties, it is the order of the Court that the hearing of Plaintiffs' Motion for Preliminary Injunction, currently set for ~~December 9, 2005~~ ^{March 3, 2006}, be VACATED, and that the matter be heard on _____ at 9:00 a.m.

IT IS SO ORDERED.

DATED: _____, 200⁶.

By

Hon. Maxine M. Chesney

Judge of the United States District Court

STUBBS & LEONE